COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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ARLENE R. MILLER
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October 5, 2010

Spring Valley Zoning Board of Appeals
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 57.07-1-1 57.24-1-55

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 6/18/2010 **Date Review Received:** 8/31/2010

Item: ***THE COMMONS (SV-784C)***

Variances for rear yard, building height, floor area ratio and parking to allow the construction, maintenance and use of multi-family development consisting of 64 units in two, four-story buildings on a .9851 acre parcel in the R-2/PRD zoning district in the Village of Spring Valley. Ninety-seven parking spaces are proposed on a .9842-acre parcel in the R-15 zoning district in the Town of Ramapo. The proposal exceeds the maximum permitted residential density of 18 units per acre and the maximum number of bedrooms permitted in a multi-family dwelling.
Norht side of Barnes Street extension, 150 feet east of Rose Avenue

Reason for Referral:

Town of Rampo, Pascack Brook, Town of Clarkstown

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***Disapprove**

The subject site is comprised of two tax parcels separated by a municipal boundary and located within different zoning districts. The overall lot area is almost two acres but the portion of the site in Spring Valley totals .9851 acres. The extent of the required variances is magnified when only the Spring Valley land area is considered. All of the required parking is proposed on the parcel within the Town of Ramapo. A rear yard variance is no longer needed and the variances for floor area ratio and density are reduced by more than 50 percent when the entire site is considered. The extent of the parking variance is also reduced. However, variances are still required for building height and number of bedrooms regardless of the size of the parcel. Therefore, an annexation of Tax Lot 57/07-1-1 by the Village of Spring Valley would reduce but not eliminate the non-conformity of this proposal.

As noted in our GML review of May 24, 2010, by definition, special permit uses are subject to more stringent standards than as-of-right uses. Special permit use requirements are contained in Article

THE COMMONS (SV-784C)

VII of the Village of Spring Valley's Zoning Code. General standards are outlined in Section 255-27; individual standards and requirements for special permit uses are included in Section 255-28. The Table of General Use Requirements for the PRD overlay district lists multi-family dwellings as a special permit use. Appendix A-6.E. outlines additional use requirements in the PRD overlay district; several are applicable to multi-family dwellings.

This proposal does not meet most of the general standards outlined it Section 255-27; it is not in compliance with Sections 255-27.A., B., C. and D. It can be argued that the proposal also does not comply with Sections 255-27.E. and F. This multi-family development proposal does not comply with several of the additional use requirements contained in Appendix A.6.E. It exceeds the maximum allowable density of 18 units per acre by almost 83 percent. The maximum number of residential units permitted on this 1.9604-acre site is 35. No one-bedroom units are proposed despite the 50 percent requirement in Appendix A-6.E.(3)(a). The buildings are a full story higher than the maximum building height allowed of three stories. The floor area ratio is 21 percent greater than the allowed maximum of .60. In addition, the proposal does not include a buffer area between the site and adjacent residential uses. In fact, the revised site plan shows extensive regrading beyond the northern, eastern and southern property lines; grading easements ranging from five to 25 feet will be required. The development coverage is extensive, leaving little or no space available for landscaping or recreational facilities. The 97 on-site parking spaces are 24 percent less than the required minimum of 128 spaces.

Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The ability of the existing infrastructure to accommodate residential developments of this size is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such dense residential development.

This proposal is not consistent with the special permit standards or the bulk requirements for multi-family housing in the PRD overlay district. The scale and density are not in character with the surrounding residential districts. The R-15 zoning district in the immediately adjacent Town of Ramapo is a medium density residential zone in which one- and two-family residences are allowed. The maximum permitted residential density ranges from 2.90 to 4.35 units per acre. Similar zoning exists in the Town of Clarkstown which is approximately 300 feet south of the subject site.

The proposed multi-family development must be scaled back to more closely conform to the applicable special permit standards and bulk requirements so that it is more compatible with the surrounding community character. This can be accomplished by eliminating the fourth floor of each building or reducing the building footprints so that fewer units are proposed.

Salvatore Corallo
Salvatore Corallo
Commissioner of Planning

cc: Mayor Noramie Jasmin, Spring Valley
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
Atzl, Scatassa & Zigler
Towns of Ramapo and Clarkstown

THE COMMONS (SV-784C)

Alex Goldberger

Rockland County Planning Board Members

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.